IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

WP(C).No. 30097 of 2006(G)

PETITIONER:

THOMAS PAUL, S/O.FR.POULOSE,
AGED 32 YEARS, AIKKARAKUDY HOUSE,
PERUMANI, VENGOLA P.O., PERUMBAVOOR-VIA,
ERNAKULAM DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SMT.A.KUMARI MINI

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
ERNAKULAM REVENUE DISTRICT, COLLECTORATE,
KAKKANAD, ERNAKULAM.

2. THE TAHSILDAR,
KUNNATHUNADU TALUK, TALUK OFFICE,
KUNNATHUNADU.

3. THE VILLAGE OFFICER,
ARACKAPADY VILLAGE, PERUMBAVOOR-VIA,
ERNAKULAM DISTRICT.

4. THE S.I. OF POLICE,
PERUMBAVOOR POLICE STATION.

5. SIBY PETER, S/O.PATHROSE,
MUTTAMTHOTTIL HOUSE, KIZHAKKAMBALAM KARA,
KIZHAKKAMBALAM VILLAGE, ERNAKULAM DISTRICT.

6. JIJO JOSEPH, S/O.JOSEPH,
VADASSERY HOUSE, PAZHANGANAD, KIZHAKKAMBALAM
VILLAGE, ERNAKULAM DISTRICT.

BY ADV. SRI.B.GOPAKUMAR
SMT.CHINCY GOPAKUMAR
SRI.ANWIN GOPAKUMAR
SMT.RENNY AUGUSTINE
G.P. SMT.N.SUDHA DEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1 ORDER OF INJUNCTION DT 22.9.06 BY R3.

P2 REPESENTATION DT 28.8.06 BEFORE R1.

P3 REPORT DT 28.9.06 BY R2 TO R1.

RESPONDENTS' EXHIBITS:

R5(A) PLAINT IN OS.290/06.

R5(B) COMMISSION REPORT DT 29.8.06.

R5(C) WRITTEN STATEMENT FILED IN OS.290/06.

R5(D) MINING PERMITS AND LICENCES.

TRUE COPY

P.A. TO JUDGE

C.N. RAMACHANDRAN NAIR, J.

W.P. (C) No. 30097 OF 2006 G

Dated this the 29th day of November, 2006

J U D G M E N T

Heard counsel for petitioner, Government Pleader and counsel appearing for respondents 5 and 6.

2. The case of the petitioner is that under cover of quarrying permits, respondents 5 and 6 are removing sand and soil from their property. Counsel appearing for respondents 5 and 6 submitted that the allegations are not true and respondents 5 and 6 are engaged in quarrying operations. It is also clarified that soil was once removed to clear the rock formation from soil which is usually done by any quarry operator. In the circumstances, writ petition is dismissed.

(C.N. RAMACHANDRAN NAIR, JUDGE)

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